

Private Admonition -- Board Case No. 2, 1989. Date of Sanction: March 13, 1989. Lawyer defended accused at his Superior Court trial on rape charges. In Lawyer's opening statement, Lawyer represented to the jury that this was "a capital case". The prosecutor immediately objected and the Court issued a corrective instruction. The accused was convicted following trial and, with the assistance of new counsel, he subsequently filed a motion for postconviction relief. At the hearing on that motion, Lawyer testified that when Lawyer said it was a capital case, Lawyer knew this was not true but was searching for something "to put the jury on the edge of their seats".

With the approval of the Preliminary Review Committee of the Board on Professional Responsibility, a private admonition was imposed for violation of **DLRPC 3.3(a)(1)**, provides: "A lawyer shall not knowingly make a false statement of material fact of law to a tribunal." The relative leniency of the sanction reflects several considerations: (1) the misstatement was corrected immediately, (2) no actual harm occurred, (3) Lawyer does not intend to engage in the practice of serious criminal law in the future, and (4) Lawyer had no prior disciplinary record.